

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,
 (Publisher of EcommerceBytes)
 Plaintiffs

vs.

eBay, Inc., et al.,
 Defendants

CASE NO: 1:21-cv-11181

MOTION FOR CLARIFICATION AS TO COURT’S DECEMBER 6, 2023 ORDER

Now come the Plaintiffs and respectfully request clarification as to this Court’s December 6, 2023 Order relating to the interrogatories and document requests pertaining to Defendant Baugh’s prior government relationship. In support thereof, Plaintiffs state the following:

1. This Court heard arguments as to the Department of Justice’s (DOJ) Motion for a Protective Order on December 6, 2023. The DOJ expressed concern that discovery in this case relating to Defendant Baugh’s prior government relationship could pose a national security risk.
2. After hearing, the Court granted Plaintiffs the right to serve interrogatories and document requests on Defendants eBay, Wenig, Wymer, and Jones “regarding their knowledge about Defendant Baugh’s background.” Docket No. 306.
3. Plaintiffs request clarification as to whether they may also serve interrogatories on Defendant Baugh, to decipher what information he shared with Defendants eBay, Wenig,

Wymer and Jones, which also directly relates to each Defendants' knowledge. In other words, Plaintiffs are not seeking to ask Defendant Baugh his actual background and experience, or what work he did for the government, only what he represented to Defendants eBay, Wenig, Wymer, Jones or any other executive, as bearing on their knowledge. See Transcript of December 6, 2023 hearing (Court: "If [Baugh] told Wenig, Wymer, Jones or others about certain aspects of his prior employment, if they knew it and acted on it, it is directly relevant to this lawsuit.").

4. Limiting questions solely to Defendants eBay, Wenig, Wymer and Jones poses two issues: (1) Plaintiffs are unable to test the veracity of their claims as to their knowledge; and (2) Defendant Baugh may have made representations as to his background to other decision makers at eBay, not yet known to the Plaintiffs.
5. Given these reasons, Plaintiffs are requesting clarification as to this Court's Order, to determine whether it also includes permission to serve interrogatories on Defendant Baugh as to Defendant eBay, Wenig, Wymer and Jones' and any other executives' knowledge of his prior government relationship, to be done in the same format as the other Defendants as outlined in this Court's December 6, 2023 Order.

WHEREFORE, Plaintiffs respectfully request clarification as to whether this Court's December 6, 2023 Order also permits them to serve interrogatories on Defendant Baugh as to the representations he made to Defendants eBay, Wenig, Wymer, Jones or any other executive.

Respectfully submitted,
INA AND DAVID STEINER
By their attorney,

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Respectfully submitted,
STEINER ASSOCIATES, LLC
By its attorney,

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that counsel for Plaintiffs conferred with counsel for each Defendant regarding this motion. Defendants Baugh and Harville take no position.

The Government takes no position on the request that the Court clarify its order; however, the Government interprets the Court's order to clearly exclude serving interrogatories on Defendant Baugh. *See* Dec. 6, 2023 Hr'g Tr. 24:1-9. The Government takes no position as to whether the Court's order should be modified to permit interrogatories of Defendant Baugh.

The remaining defendants did not indicate they objected, as requested by Plaintiffs.

Dated: December 15, 2023

Signed: /s/ Rosemary Scapicchio

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by complying with this Court's directives on electronic filing.

Dated: December 15, 2023

Signed: /s/ Rosemary Scapicchio